

REMARKS

This Amendment and Response is in response to the Office Action dated October 28, 2004 wherein the Examiner: (i) rejected claims 1-5, 8-11, 13-14, 17-18 and 20 under 35 U.S.C. § 102(b) as being anticipated by Deutsch et al. (U.S. Patent No. 5, 054, 461) ("Deutsch"); (ii) rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Deutsch; and (iii) objects to claims 7, 12, 15-16 and 19 as being dependent on a rejected base claim but indicates that these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. Applicant has amended claims 1, 2, 7, 8, 12-14 and 17-20. All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentably distinguishable over the cited references. Applicant respectfully requests reconsideration and allowance of claims 1-20 in light of the above amendments and the following remarks.

Rejections under 35 USC § 102

The Examiner has rejected claims 1-5, 8-11, 13-14, 17-18 and 20 under 35 U.S.C. 102(b) as being anticipated by Deutsch. Applicant respectfully traverses such rejection, for the reasons set forth below.

Applicant respectfully disagrees that Deutsch discloses "calculating an action period" or "a powertrain control module for calculating an action period" as provided for by the claims at issue. Examiner references column 2, line 63, through column 3, line 17, of Deutsch for this assertion. This section of Deutsch discusses the determination of "the time at which each spark plug should fire" and "how long each [spark] plug should fire" (which is described in Deutsch as the ionization duration)

(Deutsch, column 2, lines 63-67). These determinations are very different from the "action period" calculation as provided for by Applicant. In fact, there is no mention of an "action period" present in the Deutsch reference whatsoever. Applicant has amended the claims to clarify that the "action period" provided for by the invention is related to the number of cylinders in the engine, and is not equivalent to the ionization duration as disclosed by Deutsch.

Allowable Subject Matter

The Examiner has objected to claims 7, 12, 15-16 and 19 as being dependent on a rejected base claim but has indicated these claims would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has amended claims 7, 12 and 19 to be rewritten in independent form including all of the limitations of the base claim and any intervening claims, which should render them allowable. Therefore, claims 15-16 depend from allowable claims. As such, Applicant believes claims 7, 12, 15-16 and 19 are in condition for allowance.

CONCLUSION

In light of the above remarks, it is respectfully submitted that Applicant has responded in a fully satisfactory manner to all matters at issue in this Application, and that this Application is now in condition for allowance. In this regard, Applicant has made every effort to comply with the requirements set forth in the Office Action as well as the statutory requirements. Accordingly, Applicant respectfully requests that the Examiner allow the pending claims and pass the Application to issue. If the Examiner believes that personal communication will expedite prosecution of this application, he is invited to telephone the undersigned at (248) 433-7570. Applicant believes there are no fees due for this document; however, if any fees are due the Patent Office is hereby authorized to charge or refund any fee deficiency


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or excess to Deposit Account No. 04-1061 in the name of Dickinson Wright PLLC. Prompt and favorable consideration of this response is respectfully requested.

Respectfully submitted,

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